

AMENDMENT OF SOLICITATION/MODIFICATION OF SUBCONTRACT

1. AMENDMENT NO. 0001	2. EFFECTIVE DATE December 12, 2003	3. Page 1 of 7
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4. ISSUED BY: **Fluor Fernald, Inc.**
P.O. Box 398704
Cincinnati, OH 45239-8704

5. NAME AND ADDRESS OF SUBCONTRACTOR (<i>Name, street, county, state, and zip code</i>)	6. AMENDMENT OF SOLICITATION NO. F04PB13013	DATE 11/20/2003
	7. MODIFICATION OF SUBCONTRACT NO.	DATE

8. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

x The above numbered solicitation is amended as set forth in Item 10. The hour and date specified for receipt of Offers G is extended, x is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods:

(a) By completing Items 5 and 11, and returning an original and five copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate [] letter [] telegram [] facsimile which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by [] telegram or [] letter or [] facsimile, provided each makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

9. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF SUBCONTRACTS/ORDERS. IT MODIFIES THE SUBCONTRACT/ORDER NO. AS DESCRIBED IN ITEM 10.

A. THIS UNILATERAL MODIFICATION IS ISSUED PURSUANT TO: (*Specify authority*). THE CHANGES SET FORTH IN ITEM 10 ARE MADE IN THE SUBCONTRACT IDENTIFIED IN ITEM 7.

B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES SET FORTH IN ITEM 10.

C. THIS BILATERAL MODIFICATION IS ENTERED INTO PURSUANT TO AUTHORITY OF:

D. OTHER (*Specify type of modification and authority*)

E. IMPORTANT: CONTRACTOR is not is required to sign this document and return _____ copies to the issuing office.

10. DESCRIPTION OF AMENDMENT/MODIFICATION

The purpose of this Amendment is to incorporate changes in Section L and provide answers to Questions 1 through 33. Based on the Questions and Answers, Revision No. 01 of the Drawings and Specifications will be provided when available.

A. Section L – Instructions, Conditions, and Notices to Offerors:

Change Section L.9 "Required Price Proposal Submittals" by deleting paragraph F.

B. Attached are the questions and answers for Questions 1 through 33.

Except as provided herein, all terms and conditions of the document 6 or 7, remain unchanged and in full force and effect.

11A. NAME AND TITLE OF SIGNER (<i>Type or print</i>)		12A. Fluor Fernald, Inc.	
11B. SUBCONTRACTOR/OFFEROR <i>(Signature of person authorized to sign)</i>	11C. DATE SIGNED	12B. <i>(Signature)</i>	12C. DATE SIGNED

1. Section C.3.1 (4) states the contractor will “incorporate / address” changes to design within seven calendar days of notification by Fluor Contract Administrator. If the changes impacts costs and / or schedule, does Fluor require they be incorporated or would notification of impact meet the requirement to “address” the change in design?

ANSWER: Any change has to be incorporated by supplemental agreement using the “Changes Clause.” Cost impacts would be resolved prior to signing the modification. The seven calendar days begin with the effective date of the bilateral modification.

2. Section C.3.1 (5) states finished containers will be stored in areas that protect them from “adverse weather conditions that may affect the quality of the container”. Please clarify. Are there any key quality parameters beyond those otherwise specified? What adverse weather conditions are of concern? For example, would minor interior scale be considered to “impact the quality of the container?” Is it acceptable to store finished containers outside?

Section C.4.1(7) states if a container is delivered “dirty...the Contractor shall clean or replace the container...” In transportation a certain amount of “road grime” is to be expected. Is there an expectation that the containers be wrapped or otherwise covered to prevent normal road grime? Please clarify “dirty” with respected to incoming inspection.

ANSWER: Fluor Fernald will not specify how the containers must be stored or transported. However, they must arrive at the FCP in a ready-to-use condition. “Ready-to-use” means:

- the inside of the container must be free of water, debris, and loose contamination (but interior scale is acceptable)
- the lid and top head must be entirely free of water, rust, dirt, dust, and “road grime”
- the outside of the container must be clean (i.e., no more than a very minor amount of water, dirt, dust, and “road grime”) and free of rust.

3. Section H.202 states that the minimum release quantity is 160 containers. Throughout the RFP there is reference to inspection in lots of 40 containers and meeting delivery schedules of 70 and 105 containers per week. The RFP does not address what is the minimum and maximum weekly release quantity. This information will have significant impact upon price.

ANSWER: Section H.202 (a) *Minimum Order Per Release*: States the minimum quantity per release is 160. (b) *Maximum Order Quantities* under (1) states any single release in excess of 1000. There is no guarantee of weekly releases. Awardees will be guaranteed a minimum order amount of 300 containers. The inspection lots and delivery schedule quantities have nothing to do with minimum and maximum order quantities.

4. Section M.2 states that the Price Proposal is to be evaluated based upon reasonableness of pricing and lowest price. Is the lowest price the sum of all line items including options or by another means? Please clarify.

ANSWER: Section M.3 clarifies the evaluation of the option. We will consider the sum of all line items, including the option.

5. Section C.3.1 (7) and Specification ES-C-020, paragraph 7.2.4 addresses “intensive inspection and testing” by either magnetic particle (MT) or liquid penetrant (PT) examination.

- Does the Contractor decide which type of testing will be conducted?

- How many feet of weld (or what percent of total weld) will be inspected on each container?
- Will these inspections be solely at the contractor's facility?
- Inspection will be done prior to painting. Will notice of inspection be given in such a manner that does not impact or interfere with schedule and manufacturing production flow?

ANSWER: The Contractor will decide whether to use MT or PT testing and that testing shall be done on 100% of the welds listed in Table 1 of ES-C-020. The MT/PT examinations will be performed solely at the contractor's facility. With the exception of the first lot of containers, which has two hold points in accordance with Paragraph 3.2.3 of ES-C-020, examinations will be performed concurrent with the fabrication process and will not cause undue delays other than the time needed to perform the examinations. The time required to perform the examinations should be accounted for in Item Number 04 of Section B.

6. Section C.3.1 (11) addresses the possibility of a six week interruption in container fabrication after the initial delivery order. If such an interruption takes place, will it be a Stop Work Order in accordance with Section F.1?

ANSWER: No. A Stop Work Order is not required when delivery of a release has been met. Each release will stand on its own with respect to the contract terms and conditions.

7. Sections C.4.1 (13) states that Fluor Fernald will schedule deliveries. What is the minimum time Fluor Fernald will allow between ordering containers and the required delivery date?

ANSWER: As part of the schedule submittal (Criterion 3 in Attachment L-1), each offeror will identify the amount of time they need between ordering and delivering the containers.

8. Specification ES-C-020, paragraph 6.2.4 does not list Gas Metal Arc Weld (GMAW) as an approved process. We are considering GMAW spray arc transfer mode for weld items 1 and 2. This is a technically equivalent process to the specified SMAW, GTAW, SAW, and FCAW processes; however, GMAW can be performed at significantly less cost. Will Fluor Fernald approve GMAW for this application?

ANSWER: Gas Metal Arc Weld (GMAW) is an acceptable process. Specification ES-C-020, paragraph 6.2.4, will be revised accordingly.

9. Specification ES-C-020 requires finished welds to be full penetration. We identify weld items 3 and 4 to be a 3/8 inch deep bevel with a 1/8 inch land. We would like to change the bevel depth to facilitate a 1/16 inch land. Is this permissible?

ANSWER: All welds are not required to be full-penetration. Weld configurations are identified on drawing C-065-166031-002. Welds must be configured as shown on this drawing, including welds 3 and 4.

10. Specification ES-C-020, paragraph 2.0 states that the version of codes, standards, and referenced documents at the date of purchase order approval shall be governing. We request this be modified to reflect "current as of the date of Contractor proposal to be governing."

ANSWER: No.

11. Section H.21 requires that the Contractor comply with all applicable portions of the Fluor Fernald Quality Assurance Program and the Sitewide CERCLA Quality Assurance Plan (SCQ). Are all applicable requirements of the Fluor Fernald Quality Assurance Program and SCQ specifically identified requirements within the RFP?

ANSWER: Yes, all applicable requirements have been incorporated into the RFP.

12. Sections L and M requests description of supplier capacity to produce 105 containers per week for evaluation. Will Fluor Fernald evaluate capacities greater than 105 containers per week if proposed by the Contractor?

ANSWER: Yes.

13. Will an electronic copy of the RFP be made available? If not, will an electronic copy of Section A, Section B, Representations and Certifications, and the Subcontracting Plan be made available to expedite proposal preparation?

ANSWER: A copy of the sections that are available electronically can be found at www.fernald.gov under Business Opportunities, then click on Acquisitions.

14. Section L.9 requires an Insurance Certificate in accordance with Section H.28. Section H.28 is reserved. Is there a requirement of an Insurance Certificate with the proposal and/or prior to shipment of containers to the FCP?

ANSWER: No.

15. Upon review of the RFP specifications, we believe that the Silo 1 & 2 metal shipping containers are fabricated shipping containers built with commercially material to commercial and standard industry specifications. Although modified for the requirements for the FCP, they are basically a container of a type customarily used for non-governmental purposes. As such, they met the definition of a "commercial item" as defined by FAR 2.101. Accordingly, we suggest that this procurement converted to a commercial procurement with the associated commercial terms and conditions similar to those in FAR 12.3. Handled as commercial item procurement, there could be significant cost savings for both Fluor Fernald and the selected Contractor(s).

ANSWER: The terms and conditions will remain as is.

16. The drawings and specifications clearly specify that normalized 516 70 is required. Is it mandatory that the 516 70 plate be normalized? There would be a cost savings if "as rolled" 516 70 was acceptable.

ANSWER: The requirement to normalize A516 Grade 70 material will be removed. Specifically, Note 2 on drawing C-065-166031-002 and paragraph 5.1 in specification ES-C-020 will be deleted.

17. The tolerances that are listed on the drawings (both those that are specifically listed and those that are required due to dimensional listings) are much stricter than industry standards and will significantly impact pricing. Please advise whether there can be any relaxing of these tolerances.

ANSWER: The containers must be fabricated in accordance with the drawings and specifications in the Request for Proposal.

18. Would it be acceptable per the specifications to ship these containers on a flat bed trailer?

ANSWER: Yes. A flat bed trailer is considered an "open-top transport trailer" pursuant to C.4.1 (3) of the RFP.

19. Could you confirm the quantity range as far as the total number that will be required? It appears that a minimum of 300 (the 10% quantity) would be required with a high end of 10,500 (50% above 7000). Is that correct?

ANSWER: Your interpretation is correct.

20. The specifications refer to CC-B28 for surface preparation and application. After reviewing CC-B28, we are still a bit unclear on which preparation method would be suitable/preferred. Are you looking for a 1, 3, 4, 5, or 6 stage operation for surface preparation?
For reference,

1-stage involves, blasting (there are other one stages, but probably not suitable for this application)
3-stage involves. Alkali, emulsion, or acid stage, a rinse stage, and a rinse stage with dilute chromic acid.
4-stage involves. Alkali or emulsion cleaning stage, rinse stage, phosphating stage, and another rinse stage
5 and 6-stage involves. Alkali or emulsion cleaning stage, rinse stage, optional rinse stage, phosphating stage, rinse stage, and chromic acid rinse stage.

ANSWER: CC-B28 states the surface must be properly cleaned and free of rust, grease, dirt, fingerprints, and other contaminants. Any method that accomplishes this and that conforms to CC-B28 is acceptable.

21. Please provide copies of RM-0012, the Standards/Requirements Identification Document (S/RID), and the Sitewide CERCLA Quality Assurance Project Plan (SCQ) to ensure QA conformance.

ANSWER: Offerors do not need copies of RM-0012, S/RID, or SCQ because all applicable requirements from these documents have been incorporated into the RFP.

22. Paragraphs C.5.1.5 and C.5.1.6 state that all M&TE shall be traceable to NIST and should have been calibrated within one year prior to date of use. Does this also include commercial measuring devices, e.g., tape measures, rulers, etc.?

ANSWER: This requirement does not apply to commercial measuring devices.

23. For clarification, is only one copy of the data package required?

ANSWER: Only one copy of the data package is required.

24. Drawing No. C-065-166031-002, Revision 0 - In regard to the Container Inventory Label, please define the type of material and the method of affixing the label.

ANSWER: The label is a weather-resistant, plastic, peel-and-stick label.

25. What is the number of the rail spur at Fernald?

ANSWER: Per Section C.4.1 of the RFP, the containers will be delivered to the FCP by truck on an open-top transport trailer. We will not be able to support rail delivery directly to the FCP.

26. I would like to propose that item # 5 on drawing C-065-166031-002 Rev 0 be changed to a stock angle 4" x 3" x 1/2" thick, otherwise there is a great deal of labor involved for each tank, to cut that angle to the 4 x 2" size. This size is not a stock item, and would require the extra labor to cut it to size, and roll this piece.

ANSWER: Item #5 must be fabricated in accordance with drawing C-065-166031-002 Rev 0.

27. I understand that 70 units per week are required and the RFQ states that multiple awards are anticipated. If we are only able to produce one (1) lot (40 units) per month, would this exclude us from consideration?

ANSWER: The company, or bidding entity (if they team with others), needs to have a minimum capacity of 70 containers per week.

28. Do the containers need to be palletized?

ANSWER: As stated in C.4.1 (4), "The finished containers may be delivered on a pallet, skid, or other method that allows the Contractor to move and load the containers at their facility. The method chosen by the Contractor must not hinder or prevent unloading by an overhead crane at the FCP."

29. Since these tanks are only filled with contaminated waste (dirt), we would like to propose the following change to paragraph 8.3 of ES-C-020. Clean out the tank of metal chips, and loose weld spatter, oil, dirt, and lint. (But in order to get the rust and scale off the plate, a light blast would be required.) Would it just be possible to just clean the tank the best we can, including oil, dirt, lint and as mentioned above, and not blast the interior of the tank to achieve the removal of the rust and scale. This would be a great time savings, in the production, and less cost to you.

ANSWER: Paragraph 8.3 of ES-C-020 will be revised as follows:
The interior of completed containers shall be free of contamination such as metal chips, lubricants, dirt, loose rust and scale, foreign objects, and standing water. The cleanliness requirement for the exterior of containers is addressed in the contract statement of work.

30. We would like to propose to Powder Coat these tanks and do a Phosphate cleaning. We would meet or exceed all adhesion requirements. This is a much better system, and less expensive for you. This also allows a higher production rate.

ANSWER: The requirements of paragraph 6.3 of ES-C-020 remain as is.

31. Can Items 8 & 9 (top flange and collar) be machined as one piece from a forging?

ANSWER: The containers must be fabricated in accordance with the drawings and specifications in the Request for Proposal.

32. Request you provide a copy of the Bidders Mailing List.

ANSWER: A copy of the Bidders Mailing List can be found at the same web site provided in the answer to Question 13.

33. In reference to Section I Contract Clauses, 1.46 Service Contract Act of 1965, is this project Prevailing Wage?

ANSWER: The Service Contract Act will not apply to this contract.

34. Per Part 1 schedule section H.34, domestic is the preferred but foreign is allowable?

ANSWER: The requirement is that "to the greatest extent practicable" all equipment and products should be American-made, but it does not restrict it to American-made.